

to licensure under G.S. 130-9(e). The three types of domiciliary homes are homes for the aged and disabled, family care homes and group homes for developmentally disabled adults.

- (4) 'Exploitation' means exploitation as defined in G.S. 108A-152(j).
- (5) 'Family Care Home' means a domiciliary home having two to five residents. The structure of a family care home may be no more than two stories high and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct, exterior ground-level accesses to the upper story.
- (6) 'Group Home for Developmentally Disabled Adults' means a domiciliary home which has two to nine developmentally disabled adult residents.
- (7) 'Home for the Aged and Disabled' means a domiciliary home which has six or more residents.
- (8) 'Neglect' means the failure to provide the services necessary to maintain a resident's physical or mental health.

(b) The Department of Human Resources shall inspect and license, under the rules and regulations adopted by the Social Services Commission all domiciliary homes for persons who are aged or mentally or physically disabled except those exempted in subsection (d) of this section. Licenses issued under the authority of this section shall be valid for one year from the date of issuance unless revoked earlier by the Secretary of Human Resources for failure to comply with any part of this Article or with the regulations promulgated in accordance with the provisions of this Article. Any individual or corporation that operates a facility subject to license under this section without a license is guilty of a misdemeanor. In addition, the Department may utilize the provision for summary suspension of license found in G.S. 150A-3(c) whenever it finds substantial evidence of abuse, neglect, exploitation or any other condition which presents an immediate danger to the health and safety of any resident of the home. Notwithstanding the provisions of G.S. 8-53 or any other provisions of law relating to the confidentiality of communications between physician and patient, the representatives of the Department of Human Resources who make these inspections may review any writing or other record in any recording medium which pertains to the admission, discharge, medication, care, medical condition, or history of persons who are or have been residents, clients, or employees of the facility being inspected unless that resident or client objects in writing to such review. The representatives of the department may also interview physicians, psychologists, psychiatrists, nurses, and anyone else involved in giving care or treatment at or through the facility, to elicit confidential or privileged information, and the physician-patient privilege found in G.S. 8-53 or any other provision of law shall not be a bar to this questioning; provided the resident or client has not made written objection to such disclosure. The facility, its employees, and any person interviewed during these inspections shall be immune from liability for damages resulting from the disclosure of any information to the department. Any confidential or privileged information received from review of records or interviews shall be kept confidential by the department and not disclosed without written authorization of the resident, client, employee or legal representative or unless disclosure is ordered by a court of competent jurisdiction. The department shall institute appropriate policies and procedures to ensure that this information shall not be